

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD BERRY JR.,

Defendant.

Case Number: 16-cr-20764

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY, AND TAKING THE RULE 11 PLEA
AGREEMENT UNDER ADVISEMENT**

On December 22, 2016, United States Magistrate Judge Patricia T. Morris conducted a plea hearing pursuant to Defendant John Richard Berry Jr.'s consent. The Magistrate Judge issued her report that same day, recommending that this Court accept Defendant's plea of guilty. *See* ECF No. 20.

Although the Magistrate Judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The failure to file objections waives any right to appeal the magistrate judge's findings that Defendant was competent to enter a plea, and that the plea was entered knowingly, voluntarily, without coercion, and with a basis in fact. *See* Fed. R. Crim. P. 11(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation, ECF No. 20, is **ADOPTED**.

It is further **ORDERED** that Defendant's plea of guilty is **ACCEPTED**, and the Rule 11 Plea Agreement, ECF No. 19, is taken **UNDER ADVISEMENT**.

Dated: January 13, 2017

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 13, 2017.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager